

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOSEPH R. SEALS,

Plaintiff,

**4:23CV3079**

vs.

UNION PACIFIC RAILROAD CO.,

Defendant.

**FINAL PROGRESSION ORDER  
(AMENDED)**

The parties' joint motion ([Filing No. 50](#)) to modify the progression order by extending and reopening certain deadlines is granted for good cause shown.

Accordingly,

IT IS ORDERED that the final progression order is as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for May 14, 2024 at 9:00 a.m. by telephone is continued and will be held with the undersigned magistrate judge on **August 20, 2024 at 1:00 p.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is June 28, 2024. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by July 19, 2024.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendant(s):	June 5, 2024.
Plaintiff(s)' rebuttal:	July 12, 2024.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is August 16, 2024.
- The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 15.
  - Depositions will be limited by Rule 30(d)(1).
- 5) The deadline for filing motions to dismiss and motions for summary judgment is September 20, 2024.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is September 20, 2024.
- 7) All deadlines not amended herein remain unchanged.

Dated this 4th day of April, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.